

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN**

In re

CITY OF DETROIT, MICHIGAN,

Debtor.

)
) Chapter 9
)
) Case No. 13-53846
)
) Hon. Steven W. Rhodes
)
)

**PRELIMINARY RESPONSE TO CITY OF DETROIT’S OBJECTIONS AND
RESPONSES TO REQUEST FOR PRODUCTION OF DOCUMENTS**

Erste Europäische Pfandbrief- und Kommunalkreditbank Aktiengesellschaft in Luxemburg S.A., Hypothekenbank Frankfurt AG, and Hypothekenbank Frankfurt International S.A. (collectively “EEPK”); FMS Wertmanagement AöR (“FMS”); Wilmington Trust, National Association, as Successor Contract Administrator (“Wilmington Trust”); and Financial Guaranty Insurance Company (“FGIC,” and together with EEPK, FMS, and Wilmington Trust, the “Propounding Parties”), by their undersigned attorneys, submit this preliminary response to the City of Detroit, Michigan’s (the “City”) objections and responses to the *First Request for Production of Documents* served by the Propounding Parties on April 11, 2014 (“Document Requests”) [Docket No. 4006].

I. THE CITY’S INCORPORATION OF GENERAL OBJECTIONS

The City incorporates 21 “General Objections” into each of its responses to the Propounding Parties’ Document Requests. Based upon conversations with the City’s counsel, and notwithstanding the incorporation of the General Objections into each of the City’s responses to the Document Requests, it is the Propounding Parties’ understanding that the City has not withheld any documents on the basis of a General Objection except for (a) expert

disclosure, (b) attorney-client privilege, (c) mediation privilege, and/or (d) personal privacy or commercial sensitivity issues.

II. INDEXING AND IDENTIFICATION OF DOCUMENTS

On May 7, 2014, the City produced over 250,000 pages of documents. However, the City did not provide an index describing the documents, a list of categories of documents, or make any other effort to organize the documents. The City should be required (a) to provide an index of the documents produced, and (b) to identify which documents (by bates numbers) are responsive to which of the individual Document Requests of the individual party making such requests. Until such index and identification is provided by the City, and the Propounding Parties are afforded a reasonable opportunity to review the documents with that information, it is impossible for them to determine whether the City's production is responsive to the Document Requests.

III. RESERVATION OF RIGHTS

Pending receipt of the foregoing, the Propounding Parties reserve the right to file a supplemental response identifying specific shortcomings, if any, in the City's response to the Document Requests.

Dated: May 11, 2014.

Respectfully submitted,

/s/ Mark R. James

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CERTIFICATE OF SERVICE

I, Matthew G. Summers, state that on May 11, 2014, I filed a copy of the foregoing Preliminary Response using the Court's ECF system and I hereby certify that the Court's ECF system has served all registered users that have appeared in the above-captioned case. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

/s/ Matthew G. Summers

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